

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

VIRGINIA COALITION FOR  
IMMIGRANT RIGHTS, et al.,

*Plaintiffs,*

v.

SUSAN BEALS, in her official capacity as  
Virginia Commissioner of Elections, et al.,

*Defendants.*

Case No. 1:24-cv-01778  
Judge Patricia Tolliver Giles

**JOINT RULE 26(F) REPORT AND DISCOVERY PLAN**

The parties, by their undersigned counsel, held a conference pursuant to Rule 26(f) on September 8, 2025. The parties hereby jointly submit the following report consistent with Fed. R. Civ. P. 26(f) and Local Rule 26.

1. The following persons participated in a Federal Rule of Civil Procedure 26(f) conference on September 8, 2025 by videoconference:

Simone Leeper, Ryan Snow, Javon Davis, John Powers, Hani Mirza, Anna Dorman, and Kunal Dixit representing Plaintiffs.

Bradley Larson and John Ramer representing Defendants.

2. **Discovery Plan.**

(a) **Topics of Discovery.**

Plaintiffs:

Plaintiffs' discovery will relate to the development, implementation, operation, and impact of the Purge Program both before and after E.O. 35 and the disclosure of records related to the

Purge Program. Plaintiffs' discovery will include discovery of any experts retained by Defendants, any fact witnesses identified by Defendants, and third-party witnesses.

Defendants:

Given that litigation over Count I and litigation with respect to the Attorney General is automatically stayed by Defendants' notice of appeal, see ECF Nos. 165–66, to the extent the Court permits dual track discovery, discovery at this stage by Commissioner Beals and the defendant members of the State Board of Elections (collectively, the "ELECT Defendants") as to Counts II and IV will relate to the nature and timing of the alleged harms suffered by Plaintiffs on account of Virginia's noncitizen-removal process. More specifically, Defendants will seek to determine when Plaintiffs learned of Virginia's allegedly unlawful practices, the specific steps taken by Plaintiffs in response to these practices, the membership of the Plaintiff organizations, and the existence and identity of the unnamed member of the League of Women Voters of Virginia who was purportedly removed from the voter rolls. Defendants' discovery will include discovery of any experts retained by Plaintiffs, any fact witnesses identified by Plaintiffs, and third-party witnesses.

**(b) Discovery Period.**

Plaintiffs:

Plaintiffs propose that discovery commence on September 22, 2025, and conclude on February 2, 2026.

Defendants:

Defendants propose that all discovery be stayed pending their interlocutory appeal on sovereign-immunity grounds. See ECF Nos. 165–66. In the alternative, given that discovery will be automatically stayed as to the Attorney General for all counts and as to the ELECT Defendants

for Count I, see *id.*, Defendants propose that fact discovery that is not automatically stayed—*i.e.*, discovery related to Counts II and IV with respect to the ELECT defendants—commence on September 22, 2025, and conclude on March 20, 2026. This time frame would ensure that the discovery period remains open for an adequate period of time to conduct any discovery that may be necessary as the result of the inauguration of a new Governor in mid-January 2026 as required by the Constitution of Virginia.

**(c) Initial Disclosures.**

Plaintiffs:

Plaintiffs seek to enforce the 14-day rule of FRCP 26(a)(1)(C), with initial disclosures due on September 22, 2025.

Defendants:

Defendants propose that initial disclosures be stayed pending their interlocutory appeal on sovereign-immunity grounds. This Court should separately stay initial disclosures pending a resolution of Defendants' stay motion (ECF No. 166) if the Court has not decided on the motion by September 22, 2025. Absent a stay, Defendants propose that initial disclosures as to Counts II and IV with respect to the ELECT Defendants be due October 8, 2025. If no stay is entered or alternative date set by the Court, Defendants will submit their initial disclosures on behalf of the ELECT Defendants as to Counts II and IV on September 22, 2025.

**(d) Expert Disclosures.**

Plaintiffs:

Plaintiffs propose the following dates for expert disclosures:

Plaintiffs' experts' initial reports: December 12, 2025

Defendants' experts' response reports: January 5, 2026

Plaintiffs' experts' rebuttal reports: January 12, 2026

Defendants:

Defendants propose that expert-disclosure deadlines be stayed pending their interlocutory appeal on sovereign-immunity grounds. In the alternative, Defendants propose the following dates for expert disclosures with respect to Counts II and IV against the ELECT Defendants:

Plaintiffs' experts' initial reports: January 20, 2026  
Defendants' experts' response reports: February 17, 2026  
Plaintiffs' experts' rebuttal reports: March 3, 2026

3. **Service of Process.**

The Parties agree to accept electronic service for all named Plaintiffs and Defendants.

4. **Protective Order.**

The Parties agree to submit to a protective order for all documents produced in discovery or filed with the court with personally identifiable information.

5. **Electronically Stored Information.**

The Parties have agreed to work collaboratively to ensure that electronically stored information, including information in databases, is provided in a usable format that preserves, as much as is proportional to the needs of the case, the complete information included in the original source.

6. **Dispositive Motions.**

Plaintiffs:

Plaintiffs propose the following deadlines for dispositive motions:

Dispositive Motions: February 13, 2026  
Responses in Opposition to Dispositive Motions: February 20, 2026  
Replies in Support of Dispositive Motions: February 27, 2026

Defendants:

Defendants propose that dispositive-motions deadlines be stayed pending their interlocutory appeal on sovereign-immunity grounds. In the alternative, Defendants propose the following dates for dispositive motions with respect to Counts II and IV against the ELECT Defendants:

Plaintiffs' Dispositive Motion: April 24, 2026

Defendants' Combined Response and Dispositive Motion: May 22, 2026

Plaintiffs' Reply and Response: June 18, 2026

Defendants' Reply: July 10, 2026

**7. Trial.**

Plaintiffs:

Plaintiffs propose a trial to begin on March 9, 2026.

Defendants:

Defendants propose that the Court await resolution of their interlocutory appeal on sovereign-immunity grounds to set a trial date. Doing so would eliminate the risk of multiple trials occurring within a single matter. If the Court were to proceed with a trial on only some counts against some defendants while that appeal is pending, Defendants submit that this case will likely be resolved at the summary-judgment phase but propose that trial with respect to Counts II and IV against the ELECT Defendants begin on November 16, 2026.

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Date: September 22, 2025

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